App F IX 4

File No 5-48

*Previous References*

Law 37-45(46, 47 & 71)

1948-49
( ML )

Serial Nos (15, 16)

*Later References*

# GENERAL AND REVENUE SECRETARIAT

*Serial Nos* Two

P. 17

Part B for Oct '48

SUBJECT

Remuneration payable by the Tumkur T M.L Col to the Sri C LakShmana Gowda Adv Genl in Mysore

L 3769-71 | 1948 B 10-10-48

To The D C, Tumkur Dist
Comptroller to Govt
forsdt, T M.L Col, Tumkur

Sanctions the expenditure

2156/sd

Remuneration payable by the Tumkur Town Municipal Council to Sri C Lakshmanagowda Advocate general in Regular appeal No 133/41-42 on the file of the High Court

---

From

The Dy Commr, Tumkur District

No A 6 C 811/47-48 Dt 16 10 47

Forwards for Sanction a Bill for Rs 329 5 0 being the remuneration payable by the Tumkur Town Municipal Council to the Advocate general Sri C Lakshmanagowda for appearance in Regular appeal No 133/41-42 on the file of the High Court of Mysore

---

1) The Bill of the Advocate General for Rs 329-5-0 prepared in accordance with G O No 4802-ou/Law 31-45-71 Dt 30 6 47 is sent by the D C Tumkur Town

2) The Municipal Council has resolved at its meeting held on 30-9-47 that the Remuneration may be paid to him from the closing balance of the Municipality for the current year

3) It is not known what the subject matter of this appeal is and how it has ended

4) Sanction for the order of the Judgment may perhaps be called for

2156/ord/1010/ml

6) Pl hurt up the Law declim
Collector upto date
judgment
for
6/11/09

7) A draft letter to the Dc Kamkwa St
Calling for a copy of the judgement &
post cap- The Law Branch Collector
will be post cap Calls
the 8/11/09 the
10/11/09

8)
10/11/09

DISTRICT
10 NOV 2009
KITUI

To
The Dc Kamkwa St
Ref. L 10910 of 18 11 09
Calls for information.

Res A- 21-11-09

From
The D c Tunkan with
L No Ab c 811/167-08 of 29 7-08,
forwards the judgement copy etc

9) The subject matter of the
appeal is the acquisition of 1650-2/3
Square yards of land with a building
on a portion thereof (petitioner versus
the Land Acquisition officer, Tunkan)

1163/Law Payment of remuneration to Sri C Lakshmana Swamy AG by the Tumkur Town Mcpl

2156/ml
✓1010/ml 10) Memo Capy of the G.O.-NV 4802-04/Law 37-45-71 dated 30-6-47 is also put up

11) Submitted for orders — Ref para 4

Appt 10/8. Pr 10-8-48 12) Secretary of the Law Dept maybe Moved if the claim entered in the bill is in order & maybe sanctioned

new Secy 11/8/48

Secretary 12/8 16 AUG 1948 GOVT OF MYSORE Fld 8

Law Secy W/C 13) 8 14/8

14/8/48

GENERAL & REVENUE SECRETARIAT 16 AUG 1948 LAW BRANCH

Submitted

14) The D C Tumkur has sought sanction of Govt to the resolution made by the Tumkur Town Municipal Council re the payment of Rs 329-5-0 to Sri C L Lakshmana Swamy,

Former Govt Advocate-General in Mysore, on account of his services rendered on behalf of Govt in LA appeal RA 133/41-42 in the file of the High Court together with Cross objections

15) The above claim of the AG has already been sanctioned by Govt vide their Govt Order No LR02-04/Law 37-45 dated 30.6.47 The above resolution is in accordance with what has already been sanctioned by Govt - The resolution of the Town Municipal Council, Tumkur requires to be in order, may be approved

16) Submitted for orders (Refer paras 12 & 13 supra)

SAO 24/8

2) Law file 37-45-7A Since obtained from records is placed below for reference

18) Reference is invited to G O 2930-F-1947 Sanctioning the payment of a remuneration of Rs 329/-5/- to Sri C Lakshmana Gowda an account of the remuneration in RA 133/47-48 on the file of the Hon'ble High Court

Law 37 (1) 7

GO -F

1163

19) It can be seen from the G.O. dt 30-6-47
that the p.a. Sum of Rs 329-5-0 has been
ordered to be paid to Sir C Lallubhai Gandhi
for having rendered professional services in
RA 133/4/1-42 on the file of the High Court
20) The resolution of the Municipal Council of Tuticorin
in this behalf appears to be in order
21) The file may be returned to the Municipal

Pros A

1010
mc

Branch Clerk 8/9

Asst Secy mc

fr 8/9

Asst Secy

fr 10/9

201
3 SEP 1948

RECEIVED

11/9

11/9/48

22) Submitted with reference to paras

12 ~~and 13~~ supra

Asst 13/9 fr. 13 & 23) A draft for suspending
reading in the preamble to
the proposed

14/9/48

Asst fr. 0 is put up for approval

OFFICE OF
THE MINISTER FOR
LOCAL SELF GOVERNMENT
No 1532
Date 15 SEP 1948

Asst 21/9 fr. 22 & 23

Recommended

T.S.

20/9/48

25) Reverting to the matter approved
at 27/8 ante

30/9/48

27/9/48

Sold mt

1/11/78

Sp. Ms L 37 69-71, mt 5-us-16

Dated 16-10-us To

The Ut Tumkur Distt.

The Comptroller to Govt

The Pvt Tumkur

Tumkur

Sanctions the expenditure

5 -

- 5/11

2156/mf
21 OCT 1947
S G BRANCH

No.16.C 811/47-48
Enc. Two.

Office of the Deputy Commissioner,
Tumkur District
Dated, Tumkur, the 16th Oct 1947

From

Mir Safdar Hussain, Esq , B A ,
Deputy Commissioner,
Tumkur District, Tumkur

To

Syed Abdul Aleem, Esq , B A ,
Secretary to the Govt of Mysore,
Revenue Dept , Bangalore

Subject - Remuneration of Rs.329-5-0 payable to Mr C Lakshmana Gowda, Advocate General in Mysore by Tumkur Town Municipality

=====

Sir,

I have the honor to state that the Town Municipal Council, Tumkur, have at their meeting held on 30-9-1947 resolved that the remuneration of Rs 329-5-0 payable to Mr C Lakshmana Gowda, Advocate General in Mysore for the professional services rendered in Regular Appeal No 133/ 1941-42 on the file of the High Court of Mysore, be paid to him and that the expenditure be met out of the closing balance of the Municipality for the current year A copy of the resolution of the Municipal Council together with a copy of the bill received from the Advocate General are herein enclosed

I request that sanction of Government may kindly be obtained to the resolution of the Municipal Council

I have the honor to be,
sir,
Your most obedient servant,

Deputy Commissioner,
Tumkur District.

AD 16/10.

ಕಾ ಅಜಮಾ 30-9-47 ನೇ ದಿನಾಂಕಕ್ಕೆ ಸಾಂಯುಂಕಾಲದ 5
ಘಂಟೆಯಲ್ಲಿ ಸದರಿ ಪುರಸಭೆಯ ಕಛೇರಿಯಲ್ಲಿ ಕರೆಯಲ್ಪಟ್ಟ ಸಭೆಯಲ್ಲಿ
ಸದಸ್ಯರಾದ ಮಾನ್ಯ ಶ್ರೀಯುತರು ಹಾಜರಿದ್ದರು.

ಹಾಜರಿ

ಮಾನ್ಯ ಅಧ್ಯಕ್ಷರು ಶ್ರೀನಿವಾಸ (ಅಧ್ಯಕ್ಷರು)

(2)

× × × ×

Subject No 4

ಸದರಿ ದಿನಾಂಕ 30-9-47 ರಂದು ಸಾಯಂಕಾಲ 5 ಘಂಟೆಗೆ ಸಭೆಯು ಸೇರಿದ್ದು ಸದರಿ ಸಭೆಯಲ್ಲಿ ಈ ಕೆಳಕಂಡ ಸದಸ್ಯರು ಹಾಜರಿದ್ದರು. ಸದಸ್ಯರಾದ ಶ್ರೀಯುತರು ಸದರಿ ಸಭೆಯಲ್ಲಿ ಈ ಕೆಳಕಂಡ ನಿರ್ಣಯಗಳನ್ನು ಕೈಗೊಳ್ಳಲಾಯಿತು.

ತೀರ್ಮಾನ Resolution:-

ಹೊಂದಬಹುದೆಂದು ತೀರ್ಮಾನಿಸಿದೆ ಸರ್ವಾನುಮತ

ಸ್ಥಳೀಯ ಸಂಸ್ಥೆಗಳು ಸ್ಥಾಪಿಸಿರುವ ಪ್ರಾಥಮಿಕ ಶಾಲೆಗಳಲ್ಲಿ ಅನುಸರಿಸಬೇಕಾದ ನಿಯಮಾವಳಿಗಳನ್ನು ಅನುಸರಿಸಬೇಕೆಂದು ಸಭೆಯು ತೀರ್ಮಾನಿಸಿದೆ ಸರ್ವಾನುಮತ

(Sd) B Mallappa
30-9-47

"Copy"

President,
Town municipal Council
Tumkur

15
3

Sanctioned for Rs 329-5-0 by G O No 4802-04/Law 37-45-71, dated 30-6-1947

GOVERNMENT OF H.H THE MAHARAJA OF MYSORE----------Dr

To,

C Lakshmana Gowda, Esq , B A B L.,
Advocate General in Mysore, Bangalore.

| Dates | Particulars | | Amount | Remarks |
|---|---|---|---|---|
| 6-7-1943 | To fee for conducting Regular Appeal No 133 of 1941-42 with memo of cross objections on the file of the High Court of Mysore, ( Puttabasamma Vs The Land Acquisition officer, Tumkur ) | R A<br>Cbj<br><br>Rs | Rs 250-0-0<br>79-5-0<br><br>329-5-0 | Being regulation fee of 5% on the value of the appeal and of the memo of cross objection |
| | Value of Appeal - 5000/-<br>cross objections - 1537-2-6 | | | |

Three hundred and twenty nine and annas five only

Sd C Lakshmana Gowda
Advocate General

Bangalore
30th July 1943

Countersigned for appearance only

Sd P Venkataramana Rao
Chief Justice

Contents received Same may be paid by cheque or D H T

Sd C Lakshmana Gowda
(stamp)

"True copy"

President,
Town Municipal Council,
Tumkur

ML 346

(5)

L. 10918. (4)
18/11/47

[illegible] ee ceer

Jamkhandi Adv

Subject Remuneration payable by the Jamkhandi Town municipal Council to Sri C Lakshmana-gowda, Advocate general on Regular appeal No. 133/41-42 on the file of the High Court of Mysore

Sir,

With Reference to your letter No. A 6 C 811/47-48 dt 16 10 47 on the above subject, I am directed to request that you will send a copy of the Judgement in the Case for Leave to Reference

By order &c
[illegible]
Sec

ML 346

(5)

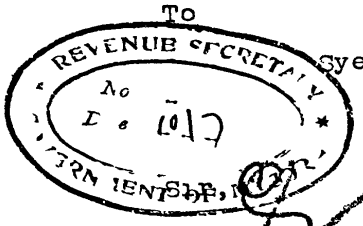
A6-C 811/47-48

Office of the Deputy Commissioner,
Tumkur District,
Dated, Tumkur, the 8th July 1948

From

K Thipperudriah, Esq , B A ,
Deputy Commissioner,
Tumkur District, Tumkur

To




Syed Abdul Aleem, Esq , B A ,
Secretary to Government of Mysore,
Revenue Department, Bangalore

Sir,

Subject :- Remuneration payable by the Tumkur Town Municipal council to Sri C Lakshmana Gowda, Advocate-General in Regular appeal No 133/42-43 on the file of the High Court of Mysore

---

With reference to your letter No L 77 dated 2-7-48 on the above subject, I have the honour to state that the President, Town Municipal Council, Tumkur, who was asked to send a copy of court order in the above case has not so far replied in the matter He has been reminded again to-day to send a copy of Government order by return of post and on receipt of which, the same will be sent to you

I have the honour to be,
Sir,
Your most obedient servant,
K Thipperudriah 8/7/48
Deputy Commissioner,
Tumkur District

krl 2

Submitted for perusal
The final reply promised
by the A-C will be awaited
if approved
Amrit Rao 13/7/48
14/7
for 1910
for 16/7/48

(6)

ML 1010

ML 5-48-15

No 6-C 811/47-48 Office of the Deputy Commissioner,
Tumkur [illegible]
Dated, Tumkur [illegible] 1948

GENERAL & REVENUE SECRETARIAT
3 AUG 1948
1010
MUNICIPAL BRANCH

To
30/7
[illegible]

Syed Abdul Aleem, Esq., B.A.,
Secretary to Government of [illegible],
Revenue Department, Bangalore

Sir,

Subject - Remuneration payable by the Tumkur Town Municipality to Sri C Laksmana Gowda, Advocate-General in Regular appeal No 133/41-2 on the file of the High Court of Mysore

---

With reference to your letter No L 10918 dated 18 11 47 on the above subject, I have the honour to forward herewith for favour of perusal, a copy of judgment of the case together with a copy of the Government order No 4802-04/Law 37-45-71 dated 30-6-1947, on the above subject

I have the honour to be,
Sir,
Your most obedient servant,

Deputy Commissioner,
Tumkur District

krl

IN THE HIGH COURT OF MYSORE AT BANGALORE

Tuesday the 6th Day of July 1943

Present

Diwan Bhadur P. Venkataramana Rao , Chief Justice ,

and

Mr Justice C Subramanya Aiyar

---

Regular Appeal No 133/41-42

Puttabasamma Claimant Appelant
( By Mr G C Veerappa )

Vs

The Land Acquisition Officer, Respondent
Tumkur Sub Division
( By Mr C Lakshmana Gowda, Advocate General for Govt )

Regular Appeal against the award dated 13~~1~~2-41 passed by the Additic -nal District Judge , Bangalore , in Land Acquisition Miscellaneous Case No 152/40-41

This regular appeal coming on for final hearing on 6-7-43 the judgement of the Court was delivered by the Chief Justice -

JUDGEMENT

This appeal relates to the acquisition of 1650-2/3 square yards of land with a building on a portion thereof The learned District Judge awarded compensation thus . Rs 779/- for the building at one rupee per square foot and Rs 2,476-2-0 for the land at Rs 1-8-0 per square yard The learned Counsel for the claimant Appelant attacks the value as very low He relies upon a sale deed , Exhibit B, datec the 10th of July 1936 in respect of a plot of land measuring 15 feet north to south for Rs 400/- This was purchased by the Municipality for extending the Vegetable Market The Land Acquisition Officer no doubt says that he did consider Exhibit B, in arriving at the valuation, but he was of the opinion that only a portion of the land acquired was fit for building purposes and the rest of ~~the~~ it was not suitable , a portion thereof being rocky There can be no doubt that the land is situated in a very good locality It is in the main bazar road and adjacent to the Tumkur town Market and in the market ~~area~~ there are shops close to the property acquired The learned District Judge has adverted to ~~their~~ the advantageous position , but he was still of the opinion

still of the opinion that having regard to the fact that the front portion only was fit for a shopt Rs 1-8-0 per square yard for the whole area was a proper valuation . It appears to us that this valuation is low. No doubt the plot of land under Exhibit B is in fr front of the market But we cannot altogether ignore it though we h have to notice that the acquisition in that case relates to a small plot whereas the acquisition in that case relates to a large plot Though the evidence in behalf of the claimant is very vague and indefinite yet taking into considerartion the situation of the land and also considering the value given under Exhibit B , we think we might assess the value of the entire 1,650 2/3 square yards at Rs 2 per square yard We confirm the valuation in regard to the building The Appelant will be entitled to the usual statutory allowance of 15 per cent on the excess amount now awarded , and he will get costs in the appeal on the excess amount awarded by this court

There is a memorandum of cross-objections on behalf of the Municipal Council The main ground urged by the learned Advocate General is that the direction of the learned judge that each party should bear his own costs discretion in that matter was not properly excersied by the learned Judge We therefore dismiss t memorandum of cross-objections but without costs

---

" Copy "
Sd/-
Registrar

Amount of proportionate costs payable by the Respondent ( The Land Acquisition Officer , Tumkur Sub Division ) to the appelant (Claim is -

| | | |
|---|---|---|
| Value of appeal Rs 5000/- including statutory allowance | | |
| Excess awarded in this court Rs 948-15-10 | | |
| Court fee on memo of appeal | | Rs 95-0-0 |
| Court fee on power of attorney | | Rs 2-0-0 |
| Court fee on order | | Rs 1-0-0 |
| Court fee on processes | | Rs 00-10-0 |
| Copying charges | | Rs. 2-04-0 |
| Special Copying charges | 7-15-0 | |
| Printing charges | 12-8-0 | |
| 20 7-0 x 948 = 3-14-0 / 5000 | 20-7-0 | Rs- 3-14-0 |
| Advocates fee on Rs 848-15-0 | | Rs 47-7-0 |
| | Total | Rs 152-3-0 |

Sd/-
Dy Registrar

" Copy "

Hima Reddy
Assistant Commissioner
& Tumkur Sub Division

Proceedirgs of the Goverrnert of His Highress the Mahnraja of Mysore

Read -

Goverrnert Order No P 7213-15/Law 45-43-60 dated 27th May 44 sarctioring a sum of Rs 47-7-0 (Rs Forty sever) ard arras sever orly towards the remuneratior of Mr C Lakshamara Gowda, the the Advocate Gereral Ir mysore, for services rerdered by him or behalf of Goverr-nert ir Regular Appeal No 133/41-42 or the file of the High Court ir Mysore (Puttabasanna Vs the Lard Acquisitior Officer, Tumkur

2 Letter No 399 dated 31st Dec 45 from Mr C Lakshamara Gowda or the above subject

Order No. 4802-04/Law 37-45-71 dated, Bargalore the 30-6-47

Ir modificatior of the Goverrnert order dated 27th May 44 read above Goverrnert are pleased to sarctior the paynert of a sum of Rs 329-5-0 (Rupees three hurdred ard lwerty rire ard arras five orly) as detailed ir the margir to Mr C Lakshamara Gowda,

| | | |
|---|---|---|
| Fees ir respect of R A No 133/41-42 or the file of the High Court | 250/- | The former advocate Gereral or account his remuneratior for the professioral - services rerdered by |
| Fees ir respect of the corrected cross objectiors case | 79/5/0 | |
| | 329/5/0 | |

him or behalf of Goverrnert ir the regular appeal nertiored ir the Goverrnert order dated 27th May 1944 read above ard the corrected cross objectior case

2 The Deputy Commissiorer, Tumkur District is requested to poirt out direct to the Comptroller to Goverrnert the source from which the above expérditure is proposed to be met durirg 1946-47

sd/- G Natarajar,
For Law Secretary

"C o p y"
M Chirra Reddy,
Assistart Commissiorer,
Tumkur Divisiox

---

"COPY"

dated, 9/7/48

President,
Towr Muricipal Courcil, Tumkur 9 7 48

G R S App F VI—G 2]

SUBJECT

*Diary No of letter replied to* 1010

General and Revenue Secretariat

( )

*the* 19

Date of issue 5th January 19

Signed by 10-10 48

May this be—

(i) printed?

(ii) treated as a standing order?

(iii) published in the Gazette English Part?

(iv) translated?

(v) placed at the disposal of the Press?

(vi) published in the Gazette Kannada Part?

Section ML

File No 5-48

Serial No 16

*Proceedings of the Government of His Highness the Maharaja of Mysore*

*Read*—

G O No 4802-04/La 37-45-71 dated 30th June 1947 sanctioning the payment of a sum of Rs 329 to Sri C Lakshmanaswami the former Advocate General as ~~on account of his~~ remuneration for the professional services rendered by him on behalf of Govt in the Regular appeal No 133/42 before the High Court relating to Jumma

2 Correspondence ending with letter No Ab C 811/46-47

dated 29-7-48 from the Deputy Commissioner, Trincomalee requesting sanction to meet the expenditure for the payment of the refund to above out of the closing balance remuneration of Rs 329-5-0 to Sir C Lakshmana Gonda, the former Advocate General, by the Trincomalee Town Mpty, for having appeared in Regular Appeal No 133/61-62 on the file of the High Court of the Trincomalee Town Urban Council to contest the Mayoral election, as resolved by the Mpl Cl on 30-9-46, and adding that the expenditure in this behalf is being met from out of the closing balance of the Mpty for the year 48-49

order No L 3769-71
10-10 48

Sanctioned.

*List of Enclosures*

To
The D-C Trincomalee
The comptroller to Govt
The pdt Town Mpl

*Copied by* Trinco
*Examined by*

for Sec to the Govt

Asst Secretary

WD 03696—GPB—30 000—2 2 40

Notes ———— 6 Pages

correspondence —— 11 Pages